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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4

-----X  
IN RE: EPHEDRA PRODUCTS LIABILITY :  
5 LITIGATION :  
:

6 -----X  
Pertains to: :  
7 :  
Harbir Singh, et al. v. Herbalife :  
8 International Communications, Inc. :  
et al. :  
9 -----X

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12  
13 DEPOSITION OF STEVE PETERSON  
14 Aventura, Florida  
15 Tuesday, December 5, 2006  
16  
17  
18  
19

20 Reported By:  
JODY L. WARREN, RPR  
21 JOB NO. 9646  
22  
23  
24  
25

December 5, 2006  
1:30 p.m.

Deposition of STEVE PETERSON, held  
at the offices of Network Reporting,  
44 W. Flagler, Suite 1200, Miami,  
Florida, pursuant to Notice, before  
Jody L. Warren, Registered Professional  
Reporter and Notary Public of the State  
of Florida.

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# A P P E A R A N C E S:

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# I N D E X

WITNESS: DIRECT CROSS  
STEVE PETERSON  
By Mr. Schonfeld: 3

# E X H I B I T S

# P L A I N T I F F S

Exhibit 1 - Customer Care Card 7  
(Original exhibit held by Mr. McGowen.)

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# P R O C E E D I N G S

Deposition taken before Jody L. Warren,  
Registered Professional Reporter and Notary Public  
in and for the State of Florida at Large, in the  
above cause.

Thereupon,

STEVE PETERSON  
having been first duly sworn or affirmed, was  
examined and testified as follows:

DIRECT EXAMINATION  
BY MR. SCHONFELD:

**Q. Good afternoon, Mr. Peterson. My name is  
Simcha Schonfeld. I represent the plaintiffs in  
this action. Before -- obviously, I'll be taking  
your deposition today.**

**Before we begin, just a couple of  
instructions. First, I ask that you answer all of  
the questions verbally and avoid the use of, you  
know, shaking your head or something like that  
because the court reporter has to record everything  
that we're going to be doing here and, obviously,  
she can't record a gesture.**

A. Okay.

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1 **Q. Very good.**

2 A. I already started to nod, but I said  
3 "okay."

4 **Q. Second, if there's any question that I ask**  
5 **that you don't understand, whether it's some**  
6 **ambiguity or it's vague, feel free to ask me to**  
7 **rephrase; I'll be happy to do that.**

8 **Third, if you need a break at any time,**  
9 **certainly let me know, I'll certainly accommodate**  
10 **you as long as it's not between a question and an**  
11 **answer.**

12 MR. McGOWEN: And just so I don't forget  
13 later, Mr. Peterson is going to read and sign  
14 his transcript.

15 THE WITNESS: Is that done today or do I  
16 have time to read over it?

17 MR. McGOWEN: It will be later after --  
18 after they have prepared it.

19 THE WITNESS: Okay. So not today?

20 MR. SCHONFELD: No.

21 **Q. (By Mr. Schonfeld) Will you state your**  
22 **full name?**

23 A. Stephen Lloyd Peterson.

24 **Q. Is it two "L"s?**

25 A. Correct.

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1 **Q. And what's your current address?**

2 A. 12221 SW, for "Southwest," 98th Street,  
3 Miami, Florida 33186.

4 **Q. How long have you been at that address?**

5 A. Ten years and two months.

6 **Q. Did you bring any documents with you here**  
7 **today for this deposition?**

8 A. No.

9 MR. McGOWEN: Well, he brought one, which  
10 I have. That's the card I was telling you  
11 about.

12 MR. SCHONFELD: Okay. Well, why don't we  
13 mark this.

14 (Plaintiff's Exhibit No. 1 was marked for  
15 identification.)

16 **Q. (By Mr. Schonfeld) Okay. Mr. Peterson, I**  
17 **have here what has been marked as Exhibit 1 and it**  
18 **states "Customer Care Dermajetics." Am I**  
19 **pronouncing that correctly?**

20 A. Correct, which is not correct.

21 **Q. Okay.**

22 A. It's just a card I put the information on.

23 **Q. Okay. We'll get to that in a moment.**

24 **But aside from this item, is there**  
25 **anything else you brought with you today?**

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1 A. No.

2 **Q. Did you do a search for any documents?**

3 A. Yes.

4 **Q. And how did you do that search?**

5 A. Looked through what I had.

6 **Q. Is that on a computer database or is it**  
7 **physical paper files?**

8 A. Physical paper.

9 **Q. You don't keep any electronic records?**

10 A. No.

11 **Q. All right. Why don't we take a look at**  
12 **this document.**

13 MR. SCHONFELD: Is it okay if I come  
14 around?

15 MR. McGOWEN: Sure.

16 MR. SCHONFELD: It's just easier that way.

17 **Q. (By Mr. Schonfeld) Just in general terms,**  
18 **can you just describe what this is?**

19 A. It's a card where we have -- you have a  
20 green one that talks about weight loss; you've got a  
21 yellow one which is for Dermajetics, which was  
22 customer care skin care, and at the end of the day  
23 it's just information. And because I ran out of the  
24 other ones, I used this one where I put the  
25 information of my customer.

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1 **Q. Okay. And what sort of information do you**  
2 **record on this document?**

3 A. In this case, his address, where it's sent  
4 to.

5 **Q. So is this relating to a specific order or**  
6 **is it just general information about the customer?**

7 A. Generally, on a first order, I will put  
8 down their name and address and any pertinent  
9 information that I have and, generally, what they  
10 order.

11 **Q. Okay. And would you fill out a separate**  
12 **card -- let's just call this a card. Would you fill**  
13 **out a separate card or similar document for each**  
14 **order that was placed subsequently?**

15 A. No.

16 **Q. Never, always, or occasionally?**

17 A. No.

18 **Q. Generally, you don't.**

19 A. No.

20 **Q. Okay. So this document that we're looking**  
21 **at was filled out the first time you spoke with**  
22 **Mr. Singh; is that correct?**

23 A. To the best of my knowledge, I believe so.

24 **Q. And that's your general practice when you**  
25 **speak to your customers?**

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1 A. When they order a product, yes. If they  
2 don't order it, then there's no sense in filling  
3 something out.

4 **Q. Right. Most of this is fairly**  
5 **self-explanatory. I'm not going to ask you to go**  
6 **through the name and the address and all that.**

7 **Just down to the bottom left-hand portion**  
8 **of the document where it says "Comments and other**  
9 **customer information." Can you read that first line**  
10 **that begins with 5/15?**

11 A. That means -- I don't have the year,  
12 unfortunately, but 5/15 means on 5/15, the date, he  
13 ordered three greens and two beiges and he paid \$85.

14 **Q. And the greens and beiges, what is that**  
15 **referring to, just for the record?**

16 A. Greens refer to what you've got there in  
17 front of you and beige is a product that goes along  
18 with it.

19 **Q. And, for the record, the witness is**  
20 **referring to what has previously been marked as**  
21 **Defendant's Exhibit 3, which is a bottle of**  
22 **Herbalife Herbal Tablets. It says on the bottom**  
23 **"original green," correct?**

24 A. Correct, original green.

25 **Q. And the next line?**

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1 A. It shows that on 7/17, he ordered 21 green  
2 and 14 beige. And he got a very, very special  
3 price, a very good discount, and he paid \$400. And  
4 as far as my knowledge goes, it's all on that  
5 Mastercard of his.

6 **Q. Okay. Now, when it says three green or**  
7 **two beige or 21 or 14, is that referring to the**  
8 **number of pills or the number of bottles? What does**  
9 **that number refer to?**

10 A. The number of bottles.

11 **Q. What was the reason for the special price?**

12 A. Because he's ordering a large quantity.

13 **Q. Just to go back to clarify something in my**  
14 **own mind so that -- you would not fill out a new**  
15 **card each time an order was placed, but you would**  
16 **record on the original time each time an order was**  
17 **placed; is that correct? Because there are two**  
18 **separate orders two months apart here.**

19 MR. McGOWEN: On the original card, you  
20 meant to say.

21 MR. SCHONFELD: On the original card, yes.

22 A. That's my intention, yes.

23 **Q. Do you always do that? I mean, are there**  
24 **occasions where you won't record a subsequent sale?**

25 MR. McGOWEN: I'm going to object to the

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1 form. You can answer the question. I'm -- you  
2 can answer the question.

3 **Q. Well, let me ask it to you this way. Is**  
4 **it your general practice -- is it your usual**  
5 **practice to record subsequent purchases when they're**  
6 **made?**

7 MR. McGOWEN: I believe he said "yes."  
8 Now, Steve, are there other purchases that  
9 Mr. Singh made that are not on this card, to  
10 your knowledge?

11 THE WITNESS: My belief is there was a  
12 third purchase that's not on this card. And  
13 the reason I say that is when a person  
14 continues to do business and they're putting it  
15 on their credit card, they have -- they have a  
16 record on their credit card of what's being  
17 charged to them.

18 MR. McGOWEN: But do you have a  
19 recollection of a third purchase?

20 THE WITNESS: Not 100 percent, but I  
21 believe there was one.

22 **Q. (By Mr. Schonfeld) And it would not have**  
23 **been unusual for you to have recorded the first two,**  
24 **but not the third purchase?**

25 MR. McGOWEN: I'm going to object to the

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1 form. You could answer the question. I think  
2 you've already answered it, essentially. But  
3 you typically would record sales on the card,  
4 right?

5 THE WITNESS: Correct.

6 MR. McGOWEN: Is it possible that there  
7 was an additional sale that is not on this  
8 card?

9 THE WITNESS: It's possible, yes.

10 MR. McGOWEN: Is that good enough?

11 MR. SCHONFELD: Thank you.

12 **Q. (By Mr. Schonfeld) There is a -- on the**  
13 **right-hand side, there's an entry here for**  
14 **children's names, ages, and birthdays. And that**  
15 **seems to be, as you indicated earlier, the**  
16 **Mastercard information; is that correct?**

17 A. Correct. I use a card to put down  
18 information. I don't pay attention to all that. I  
19 just -- it's a filing system. It might not be the  
20 best, but it's what I use.

21 You get a kick out of that, don't you?

22 **Q. The old-fashioned way.**

23 A. There you go.

24 **Q. In the top right-hand corner, it says,**  
25 **"after 2:00 p.m." What does that mean?**

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1 A. It was -- something that always sticks out  
2 in my mind with Mr. Singh is he always wanted it  
3 delivered after 2:00 in the afternoon because I  
4 think he started late or whatever.

5 **Q. What is Dermajetics?**

6 A. That's a skin care program that no longer  
7 exists at Herbalife. This is a card that's three,  
8 four years old, whatever number of years it is.

9 **Q. Is that something that's sold by Herbalife  
10 as well or was sold?**

11 A. It was sold. It's a skin care line.

12 **Q. And you sold those products as well?**

13 A. Absolutely.

14 To him, no.

15 **Q. Right, I understand that.**

16 **Did you speak with anyone other than your  
17 attorney? Obviously, I'm not going to ask you about  
18 those communications, but did you speak with anyone  
19 other than your attorney in preparation for today's  
20 deposition?**

21 A. In terms of preparation, no. In terms of  
22 did I talk to somebody, I spoke with my wife.

23 **Q. Okay. I will respect the spousal  
24 privilege.**

25 A. You've got to tell them where you're

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1 going, right?

2 **Q. What's your educational background?**

3 A. BS in business administration from Arizona  
4 State University.

5 **Q. Did you do any postgraduate work or any  
6 graduate work?**

7 A. No.

8 **Q. Did you have any other formal education in  
9 terms of attending seminars or any certificates,  
10 trade schools, anything other than, you know,  
11 graduate school?**

12 A. Are you talking with Herbal or are you  
13 talking towards education?

14 **Q. I'm just asking generally, your general  
15 educational background.**

16 A. I finished school and I went to work,  
17 college and I went to work.

18 **Q. Do you have any training in nutrition?**

19 A. Yes.

20 **Q. What sort of training do you have?**

21 A. Attending Herbalife seminars.

22 **Q. Okay. Anything else?**

23 A. No, that's it.

24 **Q. All right. Roughly, how many seminars did  
25 you attend?**

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1 A. Twenty years in Herbalife, more than I can  
2 count.

3 **Q. Okay. You can give me a rough. I mean,  
4 are we talking one or two a year? Ten a year? Once  
5 a month? You know, just a ballpark. I'm not going  
6 to hold you to it.**

7 A. Well, you're asking a difficult question  
8 to answer because you have different levels of  
9 seminars. We have seminars that I attend monthly.  
10 We have large seminars from the company that I will  
11 attend two, three times a year.

12 **Q. Okay. Let's talk about the monthly  
13 seminars first. How long have you been attending  
14 monthly seminars for?**

15 A. Twenty years.

16 **Q. And what's --**

17 A. Every month, no.

18 **Q. Okay. So the seminars are conducted every  
19 month, but you just don't attend all them or --**

20 A. Correct. Because they're not for me,  
21 they're for the new distributors.

22 **Q. When did you first start attending these  
23 monthly seminars?**

24 A. Roughly 20 years ago.

25 **Q. Do you still attend them now?**

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1 A. Absolutely. That's my job. That's my  
2 business.

3 **Q. What sort of information is covered in  
4 these seminars? Well, withdrawn.**

5 **What is the purpose of the seminar?**

6 A. The purpose of the seminar is to teach the  
7 new person entering into our business the basics of  
8 the business.

9 **Q. And your role today, having been there for  
10 all these years, obviously you're not a new person,  
11 what role do you play in that?**

12 A. Either I'm a trainer or I'm there with an  
13 organization of distributors to support them.

14 **Q. And what sort of information -- what sort  
15 of training do they receive in these seminars?**

16 A. Everything about our business, the basics  
17 that a new person needs to have.

18 **Q. Is there -- okay. Well, I started by  
19 asking you if you had any training in nutrition and  
20 you had -- your response was referring to these  
21 seminars.**

22 **So, let me focus on that for a moment.**

23 **What sort of -- how was nutrition covered in these  
24 seminars?**

25 A. We have in every seminar what's called a

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1 basic product training, which goes over the basic  
2 products that we generally sell the most, so a new  
3 distributor has answers to the questions of their  
4 customer.

5 MR. MCGOWEN: I think what he's trying to  
6 get at is training that you've received. So,  
7 have you received training in seminars in  
8 nutrition?

9 THE WITNESS: Specific nutrition training,  
10 other than when a doctor like Dr. May,  
11 Dr. Katzin, Dr. Luigi comes on and does  
12 training, that's the training I get for  
13 nutrition.

14 Something specifically, am I trained in  
15 nutrition specifically? No. Am I trained by  
16 doctors on what our products do? Yes.

17 **Q. (By Mr. Schonfeld) And what do the**  
18 **doctors -- I mean, what is the nature of their**  
19 **training?**

20 **I'm going to withdraw that question. I**  
21 **want to focus specifically on these seminars first.**  
22 **Then we'll talk about -- the doctors that you just**  
23 **mentioned, do they lecture at these seminars or is**  
24 **that something independent of this?**

25 A. Only the large ones. The monthly ones,

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1 no, other than special occasions.

2 **Q. So what sort of -- how is the issue of**  
3 **nutrition addressed at a monthly seminar?**

4 A. Can you define that a little bit further?  
5 That's a very broad statement.

6 **Q. What aspects of nutrition would be the**  
7 **subject of a monthly seminar? Do you understand**  
8 **what I'm asking you?**

9 MR. MCGOWEN: Are we still talking about  
10 his training?

11 MR. SCHONFELD: No. I'm asking about the  
12 curriculum of the seminars.

13 A. I don't create a curriculum. I'm back  
14 just taking notes. So that's a very difficult  
15 question to answer. That's a very broad question.

16 **Q. Do the seminars -- does the subject matter**  
17 **of this seminar address the method in which a given**  
18 **product works to accomplish whatever purpose it's**  
19 **supposed to accomplish?**

20 MR. MCGOWEN: It is kind of vague. Maybe  
21 if you could focus in --

22 **Q. It's vague because the question began --**  
23 **the question that started it all was vague, which**  
24 **was "Do you have any training in nutrition?" and**  
25 **there was a reference to the seminar.**

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1 **I'm just trying to get a picture of**  
2 **whatever you understood nutrition to mean in that**  
3 **term.**

4 A. Well, maybe if I go back to your question  
5 then, I should say "no." Because do I have a degree  
6 in nutrition? Do I have specific training in  
7 nutrition? No. Have I attended seminars where  
8 doctors have spoke? Yes.

9 **Q. I wasn't looking for a specific degree. I**  
10 **understand that you don't have a degree in**  
11 **nutrition.**

12 A. No.

13 **Q. I just want to know how -- what aspects of**  
14 **nutrition are or have been covered in these monthly**  
15 **seminars.**

16 A. You'd have to attend one to see. There is  
17 a lot of information that's given.

18 **Q. Are there documents that are distributed**  
19 **as part of these seminars? Is there a handout or a**  
20 **pamphlet? Is that normal?**

21 A. Normally not at the seminars, no.

22 **Q. So let's take a weight loss product, for**  
23 **example, without talking about any specific one.**  
24 **Would a seminar discuss how this product causes**  
25 **people to lose weight?**

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1 MR. MCGOWEN: I'm going to object. You  
2 really need to give him -- if you want to talk  
3 about a particular product, then let's do that.  
4 Because this is -- these questions are not  
5 specific enough. I can understand the  
6 difficulties that he's having responding  
7 because, you know, they are talking about  
8 specific problems.

9 **Q. Let me ask you that. Do the seminars**  
10 **relate to specific products?**

11 A. Sometimes they do, but you've got to again  
12 realize you're talking seminar after seminar after  
13 seminar after seminar. So you can't pin me down to  
14 one seminar because there's so many of them.

15 You get a new product, we talk about it.  
16 They talk always about our Formula 1, the soy  
17 protein. It's the best protein out there. The  
18 importance of protein in your diet, that's talked  
19 about always. Proper nutrition in your diet.  
20 Formula 1, that's the most important product at all.  
21 That's talked about in every seminar.

22 And if you've investigated at all about  
23 nutrition, soy protein is your best protein out  
24 there.

25 **Q. Okay. That is a helpful response.**

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1 **Were the benefits of ephedra the subject**  
 2 **of any of these seminars that you discussed -- that**  
 3 **you attended?**

4 A. Define a little bit better the question.

5 **Q. The use of ephedra as a weight loss**  
 6 **mechanism or an ephedra supplement as a tool for**  
 7 **weight loss, was that discussed in a seminar?**

8 A. The green and beige are thermogetics as a  
 9 complement to the nutritional product, which  
 10 consists of Formula 1 and Formula 2, which is our  
 11 vitamin and mineral and our nutritional drink, which  
 12 is the foundation of the company for 26 years. It  
 13 got us on the stock market and all of that. This is  
 14 nothing more than a complement to a basic  
 15 nutritional program.

16 **Q. So when you use the term "a complement,"**  
 17 **are you saying that it's supposed to be used in**  
 18 **conjunction with them?**

19 A. It's best. Can it be used alone? Yes.  
 20 But is it best this way? Yes.

21 **Q. Okay. But I'm asking specifically**  
 22 **regarding, you know, what you refer to as the green**  
 23 **and the beige pills. Let's just refer to them as**  
 24 **that.**

25 A. Tablets.

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1 **Q. Tablets, sorry.**

2 A. Pills are from doctors. Tablets come from  
 3 distributors.

4 **Q. Fair point.**

5 A. Because it's not a prescription drug.  
 6 Pills are prescription drugs.

7 **Q. Were those the subject or were -- were the**  
 8 **use of the green and the beige tablets the subject**  
 9 **of a seminar or seminars?**

10 **Specifically in the terms of everything**  
 11 **that you had said before about soy protein, I think**  
 12 **you said, or the nutritional value of it, the way it**  
 13 **interacts with the body, whatever it is, was that --**  
 14 **were those things you mentioned before in regards to**  
 15 **the other materials or the other products? Was**  
 16 **that -- I'm asking you a long-winded question.**

17 A. I'm lost. You lost me.

18 MR. McGOWEN: Why don't we just ask him if  
 19 he has any recollection of ephedra being  
 20 discussed at a seminar, and maybe that will --

21 MR. SCHONFELD: Okay. That was the  
 22 question I asked before.

23 MR. McGOWEN: It was. So let's go back to  
 24 his original question.

25 A. You're asking me was ephedra discussed in

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1 seminars?

2 MR. SCHONFELD: Correct.

3 MR. McGOWEN: No. He originally said the  
 4 benefits, but I broadened it a bit. Do you  
 5 have recollection of ephedra being discussed at  
 6 any seminars?

7 THE WITNESS: I don't have exact  
 8 recollection. I know they talked about  
 9 original green and beige as a complement to the  
 10 nutritional program.

11 **Q. (By Mr. Schonfeld) Did they explain why**  
 12 **it would be helpful as a complement or why it would**  
 13 **be useful as a complement to the original program?**

14 A. Sure.

15 **Q. What was said about that?**

16 A. It has nothing to do with ephedra. It has  
 17 to do with green and beige. It helps burn off  
 18 calories faster and gives people energy, so people  
 19 like the product.

20 **Q. Were there any discussions of potential**  
 21 **risks of side effects associated with the green and**  
 22 **the beige tablets?**

23 A. Yes. Anybody that has any heart problems  
 24 should check with their physician first. That, as  
 25 far as I can recollect, is directly on the label.

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1 If you looked on it, you'd probably see it.

2 **Q. Anything else in terms of risks?**

3 A. I'm sure there are some other  
 4 recommendations on there, but primarily because it  
 5 gives you energy, then anything that has to do with  
 6 your heart, somebody should check with their doctor  
 7 if they have any concerns.

8 **Q. Was the purpose of raising these concerns,**  
 9 **as you put them, at these seminars to train these**  
 10 **new people how to relay that information to their**  
 11 **customers? Was that a goal of relaying that**  
 12 **information to these individuals?**

13 MR. McGOWEN: I'm going to object because  
 14 you talked about basically his training coming  
 15 through or his information coming through  
 16 doctors at certain larger seminars. And when  
 17 you talked about these smaller, more frequent  
 18 seminars, where it sounds like it was really  
 19 not for the purpose of him being trained, so it  
 20 just sounds like you're focusing on these  
 21 smaller seminars and that's keeping him from  
 22 being able to answer about the larger seminars.

23 **Q. Yeah, I am asking about the smaller**  
 24 **seminars. And my question before -- and if it**  
 25 **changes your answer, let me know -- my question**

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1 before was whether ephedra as a product, the uses or  
2 the risks of it were discussed at the monthly  
3 seminars, and I understand your answer to that to  
4 have been "yes." If that's incorrect, feel free to  
5 tell me. But is that -- do you understand what I'm  
6 saying?

7 A. Well, you've got a different scenario here  
8 because these monthly seminars have started just  
9 over the last few years about the time this was  
10 being discontinued. So you've got different  
11 scenarios.

12 You've got to realize you're dealing with  
13 a company that's been in business for 26 years.  
14 What happened three, four years versus trainings  
15 that happen today and how things are conducted are  
16 different.

17 **Q. Okay. I understood you to have said that**  
18 **you had been attending monthly seminars for a period**  
19 **of 20 years. Did I misunderstand?**

20 A. You misunderstood.

21 **Q. Okay. So let's go back there. How long**  
22 **have these monthly seminars been going on?**

23 A. I can't say exactly, because there's  
24 different types of trainings we do at different  
25 levels and the monthly seminar that I was referring

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1 to would start a few years back. Exactly how many,  
2 I don't know.

3 MR. MCGOWEN: Let's take a short break.

4 (Thereupon, a brief recess was taken.)

5 **Q. (By Mr. Schonfeld) So my question, again,**  
6 **specifically with regards to the monthly seminars,**  
7 **I'm not asking you about any other seminars or**  
8 **lectures or anything else. With regards to those**  
9 **seminars, was -- or were the green and the beige**  
10 **tablets a subject of any of those seminars?**

11 A. They would be a subject of them just like  
12 our Formula 1, our Formula 2, our Cell-U-Loss, our  
13 Thermo-Bond, those are the major products.

14 **Q. Now, in a seminar in which the green and**  
15 **the beige tablets are a subject of that seminar,**  
16 **what sort of information is discussed with relation**  
17 **to those products?**

18 MR. MCGOWEN: I'm just going to ask that  
19 you ask him more direct questions rather than  
20 what sort of would have been or could have  
21 been. Ask him what was discussed at any, you  
22 know, particular time so that we can be more  
23 precise here.

24 **Q. In a seminar relating to the green and the**  
25 **beige tablets, was the efficacy of these products as**

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1 **a weight loss tool discussed?**

2 A. What was the word you used?

3 **Q. The usefulness. I'm sorry.**

4 **Was the fact that it was a useful weight**  
5 **loss tool discussed at the seminar?**

6 A. Yes. You have testimonies of people that  
7 came on stage and shared the nutritional program  
8 with this and explained how to use this, the proper  
9 dosages. When I say "dosage," I mean two greens,  
10 one beige, and if they need to, three and one,  
11 which, as far as I know, it's right on the label.

12 MR. MCGOWEN: Let's take a short break.  
13 Here's our coffee.

14 (Thereupon, a brief recess was taken.)

15 **Q. (By Mr. Schonfeld) Were risks associated**  
16 **with the green and the beige tablets discussed at**  
17 **the seminars in which that product was discussed?**

18 A. I don't know. I don't remember that.

19 **Q. In general at seminars, not limited to the**  
20 **green and the beige tablets, but as a general rule,**  
21 **when a product is a subject of a discussion at a**  
22 **seminar, will the risks associated with that product**  
23 **be discussed there as well?**

24 A. What is a risk?

25 **Q. To the extent that any risks exist with**

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1 **any product.**

2 A. But what is the risk?

3 **Q. I'm not sure I understand what you're**  
4 **asking me. But if there is a product that's being**  
5 **discussed at a seminar that carries with it a**  
6 **certain risk, whether it's a risk of health side**  
7 **effects that can occur for whatever reason, a**  
8 **preexisting condition, abuse, whatever the case may**  
9 **be, to the extent that any risk associated with the**  
10 **product exists, would that be something that is**  
11 **covered in a seminar discussing that product?**

12 A. If you have a product that the government  
13 is allowing you to sell, then why are you --

14 MR. MCGOWEN: Hold on. Hold on. Just  
15 answer his question.

16 Simply, the problem is Mr. Singh ordered  
17 and allegedly used a particular product and  
18 you're asking him these vague questions about  
19 products generally.

20 MR. SCHONFELD: Well, it's only because he  
21 wasn't able to answer the specific product. So  
22 when he says he doesn't know specifically with  
23 regards to this product was discussed and my  
24 question is -- I think it's a fair question --  
25 is the general practice to discuss risks

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1 associated with a product. Certainly if the  
2 answer --

3 MR. MCGOWEN: He said he -- I'm sorry to  
4 interrupt you. He said he didn't recall risks  
5 of original green being discussed.

6 THE WITNESS: Correct.

7 MR. MCGOWEN: So asking him whether risks  
8 for any product were discussed is not going to  
9 help him recall if risks for green were  
10 discussed.

11 **Q. These new people attending seminars, are**  
12 **they instructed to relay any information about risks**  
13 **associated with products to the consumers?**

14 A. What is the risk?

15 MR. MCGOWEN: You can answer with respect  
16 to specific things that you can recall. You're  
17 not here to speculate or say what could have  
18 happened. You can say if you recall any times  
19 when potential or new distributors were given  
20 particular instructions.

21 So please ask him that sort of a question  
22 because I'm really not going to let him answer  
23 a lot of speculative-type questions.

24 MR. SCHONFELD: Let me just clarify one  
25 thing in general. I'm not asking you to

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1 speculate on anything, whether it's in regards  
2 to you or anybody else. If the answer to a  
3 question is "I don't know," then it's a  
4 perfectly acceptable answer. I don't want you  
5 to guess or speculate. I want to make that  
6 clear. I'm not trying to do that, I'm not  
7 asking you to do that and, quite frankly, it's  
8 of no use to me if you do.

9 MR. MCGOWEN: But the phrasing of your  
10 question is asking him that, that's my point.  
11 I'm not saying that you're implying something,  
12 I'm saying that you're asking him speculative  
13 questions.

14 MR. SCHONFELD: I'm not asking him to  
15 speculate. I'm asking his knowledge. If the  
16 answer is "I don't know," that's a perfectly  
17 legitimate answer.

18 MR. MCGOWEN: Would you go back and read  
19 the last question, please?

20 (Thereupon, a portion of the record was  
21 read by the reporter.)

22 MR. MCGOWEN: So what he can tell you is  
23 what he recalls hearing, being instructed in  
24 the form of an instruction to a distributor.  
25 He cannot tell you does this happen. He needs

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1 something specific -- specific back in the past  
2 that he can relate to you. That's the  
3 difference.

4 MR. SCHONFELD: I think he can tell me  
5 does this happen if he knows.

6 MR. MCGOWEN: Does this happen is not a  
7 specific question. If you're talking about a  
8 specific thing happening or whether a specific  
9 thing happened, he can tell you that. He is  
10 not going to tell you, you know, generally, you  
11 know, does -- can this potentially happen at a  
12 seminar. He's not going to do that.

13 MR. SCHONFELD: I don't think questions  
14 about general practice are speculative.

15 MR. MCGOWEN: That's not my point. My  
16 point is he is a fact witness. He can tell you  
17 specifically what he recalls and if he cannot  
18 recall that -- if there's something he cannot  
19 recall, then you can ask him about his custom  
20 and practice but, beyond that, you are asking  
21 him to speculate.

22 MR. SCHONFELD: Well, I disagree with you,  
23 but it's not all that important enough for me  
24 to make more of it than what has already been  
25 made, so I'll let it go for now.

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1 **Q. (By Mr. Schonfeld) Let me turn to the**  
2 **other sort of training or whatever you want to call**  
3 **it that you had referred to as far as specific**  
4 **lectures that you had attended. I think you listed**  
5 **the names of a number of physicians. Is that**  
6 **correct?**

7 A. Mm-hmm.

8 **Q. I think you gave the name of a few**  
9 **doctors.**

10 A. Mm-hmm.

11 **Q. Did you ever -- are those seminars? How**  
12 **would you term those?**

13 A. In terms of what? Be more specific.

14 **Q. I'm just trying to look for a term to use.**

15 MR. MCGOWEN: It's a seminar, right?

16 A. It's a seminar. It's a motivational  
17 seminar where people get information.

18 **Q. Do they occur at fixed intervals? Are**  
19 **they annual or biannual, or do they just every now**  
20 **and then happen to pop up?**

21 A. They're fixed. Not exactly fixed, but  
22 that's what the company puts on. If you check with  
23 Herbalife, you'll see. It's all public knowledge.

24 MR. MCGOWEN: Is it annual? Is it roughly  
25 annual?

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1 THE WITNESS: There's an annual event,  
2 uh-huh.

3 **Q. Are there more events, biannual events?**  
4 **Are there others aside from the annual seminar?**

5 A. You got 63 countries, there's a lot of  
6 events that go on.

7 **Q. I'm speaking specifically about events**  
8 **that you yourself attend.**

9 A. When my schedule works, I go to an event.

10 MR. MCGOWEN: We talked about the smaller,  
11 roughly monthly conferences and then we talked  
12 about a different interval of a conference.

13 That other interval of a conference, is it  
14 roughly annual?

15 THE WITNESS: Yeah. There's an annual  
16 one, mm-hmm.

17 MR. MCGOWEN: And then are there other  
18 conferences that are just not at particular  
19 intervals?

20 THE WITNESS: Correct.

21 MR. MCGOWEN: Okay.

22 **Q. (By Mr. Schonfeld) Have you ever attended**  
23 **a seminar or conference, a lecture, in which the**  
24 **green and beige tablets were discussed?**

25 A. I don't remember because that was years

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1 ago. That was years ago, and they discontinued them  
2 two, three years ago, whatever.

3 **Q. Do you have any -- have you ever attended**  
4 **a seminar regarding weight loss management?**

5 A. No.

6 **Q. Have you ever testified as an expert**  
7 **witness?**

8 A. No.

9 **Q. Have you ever been qualified as an expert**  
10 **witness?**

11 A. No.

12 **Q. Who's your current employer?**

13 A. I'm self-employed. I'm an independent  
14 distributor for Herbalife International.

15 **Q. So you don't actually work for Herbalife.**

16 A. No, I'm not an employee of Herbalife.

17 **Q. When you attend -- the seminars that we**  
18 **were discussing earlier, those are put on by**  
19 **Herbalife?**

20 A. Sometimes yes; sometimes no. Sometimes by  
21 independent distributors; sometimes by Herbalife.

22 **Q. Do you have to pay when you attend a**  
23 **Herbalife seminar?**

24 A. Sometimes yes; sometimes no.

25 **Q. I'm going to show you what was marked as**

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1 **Defendant's Exhibit 18, and I believe that's your**  
2 **business card or certainly was at some point. Do**  
3 **you recognize that? I'm not going to testify what**  
4 **it was, I'll let you.**

5 A. Yeah.

6 **Q. Can you just describe for the record what**  
7 **that is?**

8 A. That's my business card from the past.

9 **Q. Has it changed?**

10 A. Just the website on the bottom no longer  
11 exists. The numbers are correct.

12 **Q. The website at the bottom is**  
13 **globalhomebusiness.com?**

14 A. Mm-hmm.

15 **Q. What was that?**

16 A. That was a website for business.

17 **Q. For business?**

18 A. For business.

19 **Q. Were you employed by Global Home Business?**

20 A. No.

21 **Q. Did you have any relationship with them?**

22 A. No.

23 **Q. So why was their address on your business**  
24 **card?**

25 A. You've got to have a name for something,

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1 don't you? Don't you have a website of something?  
2 Your company.

3 MR. MCGOWEN: Did that website provide any  
4 services for you in connection with your  
5 distributorship?

6 THE WITNESS: At one time it did.

7 MR. MCGOWEN: So that's what he's getting  
8 at.

9 THE WITNESS: In terms of selling  
10 products, no.

11 **Q. (By Mr. Schonfeld) What sort of services**  
12 **did they provide to you?**

13 A. For the business.

14 **Q. What does that mean? What did they do?**

15 A. Well, there's a business and there's a  
16 product side. Business, which has nothing to do  
17 with ephedra and green.

18 **Q. In terms of -- I just don't know what that**  
19 **term means. "Business" is a very vague term. What**  
20 **sort of services or --**

21 A. To attract people to the business.

22 **Q. In terms of sales, marketing, that type of**  
23 **thing?**

24 A. Marketing.

25 **Q. So if a customer of yours would have**

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1 visited that website, globalhomebusiness.com, would  
2 they have seen anything about you on that website?

3 MR. McGOWEN: I'm going to object to the  
4 form of the question. Again, you're asking a  
5 hypothetical type of question. Please ask him  
6 specific fact questions.

7 MR. SCHONFELD: I think you're nitpicking,  
8 but I'll ask the same question a different way.

9 MR. McGOWEN: And please avoid making  
10 comments about me like that on the record.

11 MR. SCHONFELD: Okay. I apologize.

12 **Q. (By Mr. Schonfeld) Was there any**  
13 **reference to you or to your business on that**  
14 **website, globalhomebusiness.com?**

15 A. I don't remember, because that's an old  
16 site.

17 **Q. What's the name of -- you're self-employed**  
18 **now, you said, right?**

19 A. Mm-hmm.

20 **Q. Does your business have a name?**

21 A. I'm Steve Peterson, independent  
22 distributor.

23 **Q. So you're not incorporated or anything**  
24 **like that?**

25 A. (Witness shakes head in the negative.)

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1 **Q. I apologize if I asked this before, but**  
2 **how long have you been doing that?**

3 MR. McGOWEN: Doing what?

4 **Q. How long have you been an independent**  
5 **distributor? Twenty years, I think you said.**

6 A. About 20 years.

7 **Q. What sort of products do you distribute?**

8 A. Herbalife products.

9 **Q. Exclusively?**

10 A. Mm-hmm. That's it.

11 **Q. Has that always been the case throughout**  
12 **your 20 years as an independent distributor?**

13 A. That's correct.

14 **Q. Have you ever been deposed before?**

15 A. No, sir.

16 **Q. I previously showed you what was marked as**  
17 **Defense Exhibit 3, which is the bottle from the**  
18 **green tablet.**

19 **Did you play any role in determining the**  
20 **warnings that were included on this label?**

21 A. The warnings are put on by the U.S.  
22 government, not me.

23 MR. McGOWEN: Let's just answer his  
24 question. Did you participate in formulating  
25 the warning that is on the bottle?

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1 THE WITNESS: No.

2 **Q. (By Mr. Schonfeld) Now, you spoke before**  
3 **about the green tablets and beige tablets and this**  
4 **exhibit is the bottle for the green tablets. Can**  
5 **you just describe what the green tablets are? I**  
6 **know, obviously, they're green tablets, but --**

7 MR. McGOWEN: Can you repeat that  
8 question, please?

9 (Thereupon, a portion of the record was  
10 read by the reporter.)

11 MR. McGOWEN: I'm just going to object to  
12 form. I honestly don't know what you're  
13 getting at.

14 MR. SCHONFELD: I was in the middle of the  
15 sentence when you objected, so...

16 **Q. (By Mr. Schonfeld) Let me ask you a**  
17 **different question. The green tablets and the beige**  
18 **tablets, are they a weight loss supplement? Is that**  
19 **a fair statement?**

20 A. Yes.

21 **Q. Do they serve any other purpose? Would**  
22 **someone be taking them for a reason other than to**  
23 **lose weight?**

24 A. No.

25 **Q. Those two tablets have to be taken**

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1 **together; is that correct?**

2 A. They should be, or they should have been.  
3 They can't anymore.

4 **Q. Did the green and the beige tablets serve**  
5 **different -- well, do they accomplish different**  
6 **things within the body of the person who takes them?**

7 MR. McGOWEN: Don't speculate. If you  
8 know the answer to these questions, fine. But  
9 if you don't, don't guess or speculate.

10 A. Not as a nutritionist, I can't answer that  
11 question.

12 **Q. Do you know -- are there any risks**  
13 **associated with taking the green without the beige?**

14 A. Not that I know of.

15 **Q. Does it decrease its usefulness if the**  
16 **green is taken without the beige?**

17 A. I don't know.

18 **Q. How about if the beige is taken without**  
19 **the green, are there any risks associated with**  
20 **taking beige only without the green tablet?**

21 A. I don't know.

22 **Q. Do you know whether or not that would**  
23 **decrease its usefulness as a weight loss product?**

24 A. I don't know.

25 **Q. You testified before about what was marked**

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1 as Exhibit 1, and there were two orders on here,  
2 5/15 and 7/17. I just want to go back to the 5/15  
3 order for a moment. It says 3G and 2B, which you  
4 said meant three bottles of green tablets and two  
5 bottles of beige tablets, correct?

6 A. Mm-hmm.

7 **Q. Approximately how long would that supply**  
8 **last?**

9 MR. MCGOWEN: Depending on the dosage.

10 A. It depends upon what a person is using.  
11 If he's taking three and one, it should last him, a  
12 bottle -- a bottle about a month. Some people use  
13 it faster, some people slower.

14 **Q. One bottle would last a month or that --**

15 A. The combination.

16 **Q. So that would be a one-month supply?**

17 A. That would probably be a two-month supply  
18 there.

19 **Q. Okay. I'm not following you.**

20 MR. MCGOWEN: You're saying that the  
21 May 15 order would be a two-month supply?

22 THE WITNESS: Correct.

23 MR. MCGOWEN: At what dosage, three and  
24 one?

25 THE WITNESS: At three and one, correct.

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1 **Q. (By Mr. Schonfeld) Meaning three green**  
2 **and one beige, correct? When you say three and one**  
3 **is that what you mean?**

4 A. Yeah. How many tablets does it say it's  
5 got on there?

6 **Q. 120 tablets.**

7 A. So you divide that by 30, what's that?  
8 Four a day. So that's two a day. So one bottle  
9 would last you a month. If he's taking more,  
10 then --

11 MR. MCGOWEN: One bottle would last a  
12 month at what dosage?

13 THE WITNESS: At the dosage of two and  
14 one.

15 MR. MCGOWEN: Okay. So at two and one,  
16 the order that he purchased on May 15 would be,  
17 what, four months? Let's see. If he's got --  
18 let's go off the record for a second.

19 (Discussion held off the record.)

20 **Q. (By Mr. Schonfeld) So just to be clear,**  
21 **if the customer was taking two green tablets and one**  
22 **beige tablet twice a day, then one bottle would last**  
23 **for one month; is that correct?**

24 A. Correct.

25 **Q. So then in the event that a person ordered**

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1 **three bottles' worth and he was taking two green and**  
2 **one beige twice a day, that would be a three-month**  
3 **supply; is that correct?**

4 A. I'm sorry; say that again.

5 MR. SCHONFELD: Can we just stipulate to  
6 that? I'll say it again.

7 MR. MCGOWEN: And we should say that these  
8 are approximates because, of course, a month  
9 does not always have the same number of days,  
10 but go ahead.

11 **Q. (By Mr. Schonfeld) So on a regimen of two**  
12 **and one -- I mean, two green and one beige twice a**  
13 **day -- one bottle would last one month and,**  
14 **obviously, three bottles would last three months,**  
15 **approximately, correct?**

16 A. Correct.

17 **Q. Do you know how many tablets Mr. Singh was**  
18 **taking per day?**

19 A. No, I don't. He was in New York and I'm  
20 in Miami.

21 **Q. Did you instruct him as to how many**  
22 **tablets would be appropriate for him to take?**

23 A. Yes.

24 **Q. What did you instruct him?**

25 A. I told him what I tell all of my

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1 customers. To the best of my recollection, I don't  
2 remember my exact conversation with him, but I said  
3 to have two tablets in the morning and one -- two  
4 and one, and two and one in the afternoon. I said  
5 some people who like a little more energy, a little  
6 more weight -- a little more appetite control, you  
7 can take three and one, as it says on the label.  
8 That's what I like. But I suggest you go with two  
9 and one and see how it works for you. That's the  
10 standard thing I do with all my customers.

11 MR. MCGOWEN: Do you have a specific  
12 recollection of telling Mr. Singh this or is  
13 this just your custom and practice?

14 THE WITNESS: That's my custom and  
15 practice. My exact conversation with  
16 Mr. Singh, no.

17 **Q. (By Mr. Schonfeld) Would you have noted**  
18 **that anywhere on the document in front of you,**  
19 **Exhibit 1, what dosage you told him would be**  
20 **appropriate?**

21 A. No.

22 **Q. Did you ask Mr. Singh any questions about**  
23 **his own health, his age, his weight, his medical**  
24 **history, anything like that, in determining what**  
25 **would be appropriate for him?**

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1 A. I don't remember.

2 **Q. Is that something that you do with other**  
3 **customers?**

4 A. Yes.

5 **Q. So what sort of factors are you -- what**  
6 **sort of questions would you ask as a general -- I'm**  
7 **asking about your general practice, not with regards**  
8 **to Mr. Singh specifically, but as general practice**  
9 **when you're selling -- when you were selling the**  
10 **green and the beige tablets, what sort of questions**  
11 **did you ask about the person, the person's health or**  
12 **medical history or anything else?**

13 A. Very simple questions, their eating  
14 habits, why are you overweight.

15 **Q. I'm really focusing more specifically on**  
16 **whether or not there was anything in a person's**  
17 **personal history or the person's nature, whatever**  
18 **you want to call it, that would play a role in your**  
19 **deciding how many tablets would be appropriate for**  
20 **that person. For example, if a person was older or**  
21 **younger, heavier or lighter, would any of those**  
22 **factors, or any other factor, play a role in what**  
23 **the appropriate dosage would be?**

24 A. No, two and one. Follow what it says on  
25 the label.

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1 **Q. So turning to the label, it's**  
2 **Defendant's 3 again for identification, and I'll**  
3 **just come around and show it to you.**

4 The top left side portion here says,  
5 "Suggested serving: Take one to three original  
6 green tablets with one beige tablet twice a day at  
7 ten a.m and four p.m."

8 A. Mm-hmm.

9 **Q. Do you see that?**

10 A. Mm-hmm.

11 **Q. Yes?**

12 A. Yes.

13 **Q. Is there a reason that -- did you feel**  
14 **that three tablets was not an appropriate amount?**

15 A. I like to start people on two and one.

16 **Q. What's the reason for that?**

17 A. Just a better way to start it. It lasts  
18 them longer. And if they feel they want more  
19 appetite control, more energy, they can go to three  
20 and one.

21 **Q. What do you mean by it lasts them longer?**

22 A. Simple mathematics.

23 **Q. You mean the pills last longer.**

24 A. Tablets.

25 **Q. I'm sorry, I apologize.**

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1 A. That's two more a day, times 30, that's  
2 60. You use half the supply in a month.

3 **Q. Did you think that there was any**  
4 **drawback -- aside from how long the tablets would**  
5 **last, did you think there was any drawback to taking**  
6 **three and one as opposed to two and one?**

7 MR. McGOWEN: Object to the form. You can  
8 answer if you thought there was any drawback.

9 A. No.

10 **Q. So it was really just an economic decision**  
11 **on your part?**

12 MR. McGOWEN: Object to the form. He's  
13 answered this and your question is not  
14 restating his testimony exactly.

15 **Q. When you would sell the product -- I'll**  
16 **ask specifically about Mr. Singh first. When you**  
17 **sold the product to Mr. Singh, did you ask him if he**  
18 **was on any other medications?**

19 A. I don't remember.

20 **Q. Did you ask him about his medical history?**

21 A. I don't remember.

22 **Q. As a general practice when you sold the**  
23 **green and the beige tablets, would you ask the**  
24 **customers whether or not they were taking any**  
25 **medications?**

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1 A. No. The reason I say no --

2 MR. McGOWEN: He'll ask you follow-up  
3 questions.

4 **Q. Did you ask them about whether or not they**  
5 **had any previous medical history?**

6 A. I'm not a doctor.

7 **Q. That's not my question.**

8 MR. McGOWEN: Right. Just tell him what  
9 your practice is or was at that time.

10 A. So repeat the question.

11 **Q. Could you read the question back?**

12 (Thereupon, a portion of the record was  
13 read by the reporter.)

14 A. I don't remember with Mr. Singh.

15 **Q. No, my question is not about Mr. Singh.**

16 This is just a question. Your general practice when  
17 you sold the green and beige tablets, would you ask  
18 the customer about whether or not they had any  
19 medical history?

20 A. In terms of what?

21 **Q. In terms of anything. Was there any**  
22 **questions you asked them regarding their medical**  
23 **history?**

24 MR. McGOWEN: Whether they had had, you  
25 know, cardiac problems in the past or any

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1 other --

2 A. If a person is going to buy the green and  
3 beige, I ask them if they have any high blood  
4 pressure, any heart problems.

5 **Q. Is there anything else that you asked**  
6 **about?**

7 A. Like I said before, I try to find out  
8 about their eating habits and why are they  
9 overweight.

10 **Q. But in terms of a medical condition or**  
11 **medical --**

12 A. Along with that, you find out if they're a  
13 diabetic, you find out if they have heart problems.  
14 It all starts from questions on their eating habits.

15 **Q. And why would you ask if they had high**  
16 **blood pressure?**

17 MR. McGOWEN: I'm going to object to the  
18 form. Again, it's too general a question. If  
19 you can specify what you're looking for.

20 MR. SCHONFELD: Well, the witness just  
21 testified that, among other things, he would  
22 ask the customers whether or not they had high  
23 blood pressure. My question was why. That's  
24 too general a question? I think that's a fair  
25 question.

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1 MR. McGOWEN: All right. You asked him --  
2 and this is a whole lot of explanation going on  
3 the record unnecessarily, but you asked him  
4 what he recalled speaking with Mr. Singh about,  
5 you asked him what his custom and practice was.

6 So when you asked why would you do this,  
7 you're asking him to speculate, essentially.  
8 If you want to ask him about any specific  
9 instance of doing that, that's a different  
10 question. So I'll leave it up to you now to  
11 rephrase your question.

12 MR. SCHONFELD: I don't think it's  
13 necessary, but I'll rephrase it just to avoid  
14 taking this any further than it has already  
15 gone.

16 **Q (By Mr. Schonfeld) If a potential**  
17 **customer did have high blood pressure, would that**  
18 **play any role in whether or not you would sell them**  
19 **the product?**

20 MR. McGOWEN: Same objection, but you can  
21 answer.

22 A. I tell everybody. If they tell me they've  
23 got a heart problem, meaning high blood pressure,  
24 meaning high cholesterol, generally high blood  
25 pressure, then you don't want to have anything

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1 that's going to increase your energy, any more than  
2 you should be drinking coffee.

3 **Q. Were you aware of any risks associated**  
4 **with the green and the beige tablets that were**  
5 **increased by the fact that a user had high blood**  
6 **pressure?**

7 MR. McGOWEN: I'm going to object to form.  
8 The witness has already told you he's not aware  
9 of any risks associated with the product. So  
10 if you're asking him about risks being  
11 increased, then that is mischaracterizing his  
12 prior testimony.

13 MR. SCHONFELD: Okay. Well, if that's a  
14 fair characterization of your previous  
15 testimony, then I'll withdraw the question. So  
16 let me just --

17 **Q. (By Mr. Schonfeld) Is that an accurate**  
18 **statement of what you said before, you're not aware**  
19 **of any risks associated with the green and the beige**  
20 **tablets?**

21 MR. McGOWEN: Wait a minute. He's  
22 answered this question. If you don't recall  
23 what he said, then maybe you should get with  
24 the reporter and go back over his testimony.

25 But these are very important questions and, you

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1 know, keep track of his answers.

2 MR. SCHONFELD: Well, I'll let the record  
3 reflect I'm allowing the witness the  
4 opportunity to change that answer if he wants  
5 to. You're certainly entitled to object and  
6 not allow him to, but the witness certainly has  
7 the opportunity to change that answer if he  
8 wants to, and we'll leave it at that.

9 **Q. (By Mr. Schonfeld) Did you play any role**  
10 **in the design of the green and the beige tablets?**

11 A. No.

12 **Q. Did you play any role in the manufacture**  
13 **of the green and the beige tablets?**

14 A. No.

15 **Q. Did you ever read any studies conducted in**  
16 **relation to the safety of green and beige tablets?**

17 A. No.

18 **Q. Did you ever read any studies that related**  
19 **to whether or not the green and beige tablets**  
20 **actually worked to accomplish weight loss?**

21 A. No.

22 **Q. The time frame and the volume of the**  
23 **orders that are listed on that card, Plaintiff's**  
24 **Exhibit 1, are you able to discern one way or the**  
25 **other whether or not -- based on the size of the**

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1 previous order and the date of the subsequent order,  
2 are you able to determine one way or the other  
3 whether or not the product was used in accordance  
4 with the two and one dosage that you recommended?

5 MR. McGOWEN: I'm going to object. You're  
6 asking him to tell you what Mr. Singh's dosage  
7 was based upon these two orders; is that  
8 correct?

9 MR. SCHONFELD: No.

10 **Q. (By Mr. Schonfeld) I'm asking whether or**  
11 **not the timing and the volume of the orders are**  
12 **consistent or ar -- whether you're able to determine**  
13 **one way or the other whether or not the order --**  
14 **specifically the first order, because we don't know**  
15 **what happened after the second order. At least on**  
16 **the card, it's not indicated, so let's focus on the**  
17 **first order.**

18 **Based on the time, the date, and the**  
19 **amount of order in the first order and the time the**  
20 **second order was filled, are you able to determine**  
21 **one way or the other whether or not that first order**  
22 **was used in accordance with the two and one**  
23 **recommendation that you made?**

24 **And let me just explain the question**  
25 **further, so you understand what I'm getting at. For**

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1 **example, if you sold him a three-month supply and he**  
2 **called back two weeks later and said, I'm all out, I**  
3 **need more, that would seem to indicate that it was**  
4 **used excessively.**

5 MR. McGOWEN: All right. I'm going to  
6 object and I'm going to tell this witness that  
7 he should not speculate on what Mr. Singh's  
8 dosage was based upon these two orders that are  
9 listed on this card.

10 MR. SCHONFELD: I'm not asking him to do  
11 that. He testified previously what Mr. Singh's  
12 dosage was. He said he recommended two and  
13 one. My question is --

14 MR. McGOWEN: He has told you how long a  
15 bottle would last based upon a dosage of two  
16 green and one beige.

17 Now, beyond that, he cannot -- beyond that  
18 would be speculating on what Mr. Singh took or  
19 what his dosage was, and I'm not going to let  
20 this witness do that. Mr. Singh can tell you  
21 what his dosage was.

22 MR. SCHONFELD: I'm not asking him what  
23 his dosage was.

24 MR. McGOWEN: I know that's not your exact  
25 question, but he's already told you how long a

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1 bottle lasts at a particular dosage. So...

2 **Q. (By Mr. Schonfeld) Did you have any**  
3 **conversations with Mr. Singh at times other than**  
4 **when he was calling to fill an order?**

5 A. Not that I remember.

6 **Q. When did the green and the beige tablets**  
7 **stop being sold?**

8 A. I don't remember exactly.

9 **Q. Did you play any role at all in the**  
10 **decision to take them off the market?**

11 A. No.

12 **Q. Other than Mr. Singh, did you have any**  
13 **customers that claimed to have been injured as a**  
14 **result of using the green and the beige tablets?**

15 A. No.

16 MR. SCHONFELD: Well, the deposition was  
17 shorter than I thought it was going to take,  
18 but that's all I have.

19 MR. McGOWEN: I don't have any questions.

20  
21 (Thereupon, the deposition was concluded  
22 at or about 2:34 p.m.)  
23  
24

25 STEVE PETERSON

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1  
2 THE STATE OF FLORIDA)  
3 COUNTY OF DADE )  
4

5 I, the undersigned authority, certify that  
6 the aforementioned witness personally appeared  
7 before me and was duly sworn.  
8

9 WITNESS my hand and official seal this 7th  
10 day of December 2006.  
11  
12  
13  
14  
15  
16  
17

18 JODY L. WARREN, RPR  
19 Notary Public - State of Florida  
20 My Commission Expires: 02/28/07  
21 My Commission No.: DD184704  
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11 and correct transcription of my shorthand notes of  
12 said deposition.

13  
14 I further certify that said deposition was  
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16 and that the taking of said deposition was commenced  
17 and completed as hereinabove set out.

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19 I further certify that I am not attorney  
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7 I hereby certify that I have read the  
8 foregoing deposition by me given, and that the  
9 statements contained herein are true and correct to  
10 the best of my knowledge and belief, with the  
11 exception of any corrections or notations made on  
12 the errata sheet, if one was executed.

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14 Dated this \_\_\_\_ day of \_\_\_\_\_,  
15 2006.

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2 IN RE: Singh vs. Herbalife  
3 DEPOSITION OF: STEVE PETERSON  
4 TAKEN: 12/5/06

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20 Under penalty of perjury, I declare that I have read  
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